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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WALTER LEWIS,

Defendant.

2:16-mj-493-VCF

**Stipulation to Continue Preliminary  
Hearing (First Request)**

**IT IS HEREBY STIPULATED AND AGREED**, by and between DANIEL G. BOGDEN, United States Attorney, and ROBERT KNIEF, Assistant United States Attorneys, counsel for the United States of America, and Thomas F. Pitaro, counsel for defendant Walter Lewis, that the preliminary hearing date in the above-captioned matter, currently scheduled for July 22, 2016 at 4:00 pm, be vacated and continued to July 29, 2016, or a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing to allow for continued negotiations.
2. Time is needed to continue and review evidence.

1                   3.       Additionally, denial of this request for continuance could result in a  
2 miscarriage of justice.

3                   4.       The additional time requested by this stipulation, is allowed, with the  
4 defendant's consent under the Federal Rules of Procedure 5.1(d).

5                   5.       This is the first request to continue the preliminary hearing date filed herein.

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7                   DATED this 21st day of July, 2016.

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9                   Respectfully submitted,

10                  DANIEL G. BOGDEN  
11                  United States Attorney

12                  /s/ Thomas Pitaro

12                  /s/ Robert Knief

13                  \_\_\_\_\_  
14                  THOMAS PITARO, ESQ.  
15                  Counsel for Defendant  
16                  Thompson

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14                  ROBERT KNIEF  
15                  Assistant United States Attorney

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**FINDINGS OF FACT AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties request a continuance of the preliminary hearing to allow for continued negotiations.
2. Time is needed to continue and review evidence.
3. Additionally, that denial of this request for continuance could result in a miscarriage of justice.
4. That the additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).
5. This is the first request to continue the preliminary hearing date filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

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**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

**ORDER**

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 22, 2016 at the hour of 4:00 p.m., be vacated and continued to July 29, 2016 at the hour of 4:00 p.m.

DATED 21st day of July, 2016



UNITED STATES MAGISTRATE JUDGE